1 OSVALDO E. FUMO, ESQ. Nevada Bar No. 5956 2 PITARO & FUMO, CHTD. 601 Las Vegas Blvd. S. 3 Las Vegas, NV 89101 4 (702) 474-7554 Fax (702) 474-4210 5 Attorney for Defendant: Torrence Douglas 6 UNITED STATES DISTRICT COURT 7 **DISTRICT OF NEVADA** 8 UNITED STATES OF AMERICA, Case No.: 2:16-CR-00052-GMN-PAL 9 Plaintiff, 10 11 MOTION AND ORDER FOR PRE-PLEA vs. AND PRESENTENCE INVESTIGATION 12 **REPORT** TORRENCE DOUGLAS 13 Defendant 14 15 16 COMES NOW, Defendant Torrence Douglas, by and through his counsel of record, 17 OSVALDO E. FUMO, ESQ., of the law firm of PITARO & FUMO, CHTD., hereby moves this 18 Honorable Court for a Pre-Plea, Pre-Sentence Investgiation Report to be prepared by Federal 19 Probation. 20 This Motion is made and based upon all the papers and pleadings on file herein, the 21 attached points and authorities in support hereof, and oral argument at the time of hearing, if 22 deemed necessary by this Honorable Court. 23 DATED: 12<sup>th</sup> day of December, 2016 24 25 PITARO & FUMO, CHTD. 26 /s/ Osvaldo E. Fumo, Esq.. OSVALDO E FUMO, ESQ 27 28

## MEMORADUM OF POINTS AND AUTHORITIES

- 1. The Defendant Torrence Douglas ("Douglas") is charged in four (4) Counts out of a twenty-nine (29) count indictment filed against eight (8) separate defendants. The Counts against Douglas charge conspiracy to distribute and distribution of a controlled substance. Douglas is unsure of his prior convictions and thus counsel is unable to definitively determine his criminal history category and whether he may be eligible for Career Criminal treatment under the guidelines.
- 2. Determination of whether Douglass' prior convictions subject him to Career Criminal treatment is an important consideration of any plea negotiations and therefore undersigned counsel respectfully requests that the Department of Probation conduct a pre-plea, pre-sentence investigation report to determine the Defendant's criminal history category and whether Douglas is CCA eligible.
- 3. Undersigned counsel has spoken to the U.S. Attorney Phillip Smith regarding this request and he does not have any opposition to this request.

PITARO & FUMO, CHTD. /s/ Osvaldo E. Fumo, Esq. . OSVALDO E. FUMO, ESQ.

**CERTIFICATE OF SERVICE** 

On December 12, 2016, the undersigned caused a true and correct copy of the aforementioned **ORDER** via the ECF system.

## PITARO & FUMO, CHTD.

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	Attorney for Defendant: Torrence Douglas	
6 7		DISTRICT COURT OF NEVADA
8		
9	UNITED STATES OF AMERICA,	Case No.: 2:16-CR-00052-GMN-PAL
10	Plaintiff,	
11	vs.	<u>ORDER</u>
12		
13	TORRENCE DOUGLAS	
	Defendant	
14		
15		
16	IT IS HEREBY ORDERED that the Pr	robation Department will prepare a Pre-Plea, Pre-
17	Sentence Investigation Report on Defendant Torrence Douglas.	
18	<b>D</b> 1 10 0010	
19	Dated December 13, 2016	
20		Const !
21		Milan
		US MAGISTRATE JUDGE
22	Submitted by:	
23	PITARO & FUMO, CHTD.	
	/s/ Osvaldo E. Fumo, Esq.	
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